

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PRIMEXX ENERGY OPPORTUNITY FUND, LP and PRIMEXX ENERGY OPPORTUNITY FUND II, LP, §
Plaintiffs, §
v. § Civil Action No. 3:23-CV-0985-K
§
PRIMEXX ENERGY CORPORATION, §
M. CHRISTOPHER DOYLE, ANGELO §
ACCONCIA, BLACKSTONE §
HOLDINGS III, LP, BLACKSTONE §
EMA II, LLC, BMA VII LLC, §
BLACKSTONE ENERGY §
MANAGEMENT ASSOCIATES II, LLC, §
BLACKSTONE ENERGY PARTNERS II, §
LP, BLACKSTONE MANAGEMENT §
ASSOCIATES VII, LLC, BLACKSTONE §
CAPITAL PARTNERS VII, LP, BCP §
VII/BEO II HOLDINGS MANAGER, §
LLC, BX PRIMEXX TOPCO LLC, and §
BPP HOLDCO LLC, §
Defendants. §

ORDER OF DISMISSAL

In an order dated June 15, 2023, the Court notified Plaintiffs that, based on the Complaint, subject matter jurisdiction was lacking. Doc. No. 28. Prior to dismissing the case on its own motion, the Court afforded Plaintiffs an opportunity to replead in an attempt to demonstrate subject matter jurisdiction. *Id.* The Court further afforded

any party the opportunity to otherwise respond to the Court's jurisdictional order by July 13, 2023. *Id.* Because none of the Defendants had yet appeared, the Court also ordered Plaintiffs to serve a copy of the order on each Defendant by June 20, 2023, and to file certification of service with the Court by June 22, 2023. *Id.* The record reflects Plaintiffs complied and Defendants received notice of the order. See Doc. No. 29.

Plaintiffs timely responded stating they discovered no new information which would cure this jurisdictional defect. Doc. No. 29. None of the Defendants responded to the Court's jurisdictional order.

Based on the current record, the Court determines it lacks subject matter jurisdiction over this matter. Pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure, the Court hereby DISMISSES WITHOUT PREJUDICE this case. FED. R. CIV. P. 12(h)(3) (court must dismiss action if it determines at any time that subject matter jurisdiction is lacking). SO ORDERED.

SO ORDERED.

Signed July 14th, 2023.



ED KINKEADE
UNITED STATES DISTRICT JUDGE